



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,622	01/22/2004	William Wesley Jenkins	CCS-102/Clarity CSI FlexA	5053
32205 7590 04/18/2008 PATTI, HEWITT & AREZINA LLC ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602			EXAMINER WIN, AUNG T	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 04/18/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/762,622	Applicant(s) JENKINS ET AL.	
	Examiner AUNG T. WIN	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) 6, 12-19, 21, 23, 31-33 and 40-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-11, 20, 22, 24-230, 34-39, 45-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 12/07/2007 have been fully considered but

Applicant's arguments filed 12/07/2007 with respect to claims 1-5, 7-11, 20, 22, 24-30, 34-39, 45-48 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 recites "the communication application server **for the latter** to implement a voice playback" in claim 5. It is unclear what "for the latter" is referring to which renders the claim indefinite. Applicant is suggested to reword the claim limitations to clarify the claim language.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the

Art Unit: 2617

subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 7, 20, 30, 22, 25, 32, 35, 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod et al. US (US 20040224678A1) in view of John (US6216106B1).

1.1 Regarding Claim 1, Dahod discloses a method implemented by PTT wireless mobile terminal for communicating voice information comprising the steps of:

Determining if the recipient of the first mobile terminal has accepted or answered the half-duplex call to receive initial voice message associated with an incoming call to the first mobile terminal,

Storing the initial voice message as initial voice mail message in media server or Internet media gateway IMG if the recipient of the first mobile terminal does not answer or accept the half-duplex call [0036 & 0044],

transmitting the stored initial voice message to the first mobile terminal from the communication application server during a real-time communication session only upon the communication application server receiving playback signal from the first mobile terminal where the playback signal is distinct from another signal generated by the first mobile terminal upon a depression of a push-to-talk button on the first mobile terminal [retrieving stored initial voice mail message in light of SMS notification message: 0045].

Thus, Dahod teaches storing initial voice mail message only if recipient does not accept or answer the call as stated above. Therefore, it would have been obvious to one of ordinary skilled in the art the Dahod essentially teaches every limitations of the claim except implementing selectable acceptance of future incoming calls.

John teaches a method of wireless communication terminal for communicating voice information by implementing selectable acceptance of future incoming calls comprising:

Determining if a first input from a user of a first mobile terminal is made requesting that selectable acceptance management be initiated for incoming calls not yet initiated to the first mobile terminal;

If said determining step determines that the request has been made, transmitting from the first mobile terminal a first control message to a communication application server representing an instruction to implement selectable acceptance of future incoming calls to the first mobile terminal [determining if user activates one of several different call forwarding service as familiar to a person skilled in the art & transmitting call forwarding service activation signal from mobile station directly to gateway mobile switching center GMSC1: Figure 2A & Column 3, Line 35-50], where selectable acceptance includes storing at the communication application server an initial voice message associated with an incoming call to the first mobile terminal and transmitting the stored initial voice message to the first mobile terminal in response to retrieving request received from the first mobile terminal [retrieving well known stored voice mail message method: Column 5 & 6].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to modify the Dahod PTT communications method with call selectable acceptance management method as taught by John to implement the method, system and device as claimed. One of ordinary skill in the art at the time of invention of made to do this to facilitate efficient PPT communications between users.

1.2 Claim 7 is rejected for the same reason as claim 1 because executing steps in Claim 7 is substantially close to corresponding method steps of Claim 1. It would have been obvious to one of ordinary skill in the art that the device and the method as modified would have been implemented with claimed means as cited in Claim 7.

1.3 Claim 20 is rejected for the same reason as stated above in Claims 1 & 7 rejections because claimed method is substantially close to corresponding method of Claims 1 & 7. It would have been obvious to one of ordinary skilled in the art that activating various call acceptance management calls as taught by Dahoh in view of john would teach storing and updating the user status information to reflect the future incoming call processing as claimed.

1.4 Claim 30 is rejected for the same reason as stated above in claim 20 rejection because claimed executing steps are substantially read on corresponding step of Claim 20. It would have been obvious to one of ordinary skill in the art that IMG as modified would teach claimed communication server.

1.5 Claims 22, 25, 32 & 35 are rejected for the same reason as stated above in claim 20 rejection. Official notice is taken that claimed feature of not notifying the voice message delivery status to the sender is well known to one of ordinary skilled in the art at the time of invention of made as cited in Claim 22 in order to preserve the privacy of the user status information.

3.4 Claims 45, 46, 47 & 48 are rejected for the same reason as stated above in Claims 20, 22, 25, 30, 32 & 35 rejections because claim invention and cited limitations are essentially similar to invention as cited in Claims 20, 22, 25, 30, 32 & 35. Therefore, one of ordinary skill in the art would realize that method and server as modified above would teach and read on limitations as cited in Claims 45, 46, 47 & 48.

2. Claims 2-4, 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod et al. US (US 20040224678A1) in view of John (US6216106B1), further in view of Simpson (US200401041593A1).

2.1 Regarding Claims 2 & 8, the modified method and system teaches all the limitations as stated above in Claims 1 & 7 and also teaches that users can be notified by different signaling notification for incoming calls although does not explicitly disclose distinctive ringing notification method. Simpson teaches that user can be subscribed to

distinctive ringing service to receive distinctive ringing for specific type of calls [0055]. Moreover, it should be noted that that concept and advantages of distinctive ringing notification method for different type of calls are well known to one of ordinary skilled in the art at the time of invention of made and such feature can be implemented in any call processing system at the time of invention of made.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to further modify the method and system with distinctive ringing notification to alert the different type of calls as claimed. One of ordinary skill in the art at the time of invention of made to do this to provide enhanced call processing feature with improved notification method.

2.2 Claims 3 & 9 are rejected for the same reason as stated above in Claim 2 & 8 rejection because modified method and system teaches retrieving stored voice mail message in response to user action [see claim 1 & 7 rejection]. Moreover, different retrieving stored voice mail message are well known to skill in the art at the time of invention of made in response to different voice mail notification message.

2.3 Claims 4 & 10 are rejected for the same reason as stated above in Claim 3 & 9 rejection. According to the teaching of Simpson, the caller was not notified that called party is listening to the recorded voice message prior to determining whether to accept the call from the caller. Therefore, it would have been obvious to one of ordinary skill in the art that modified device and method teaches as claimed.

3. Claims 5 & 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod et al. US (US 20040224678A1) in view of John (US6216106B1), further in view of Elias (US20050089149A1).

3.1 Regarding Claims 5 & 11, the method as modified teaches transmitting control message to the communication server in response to user input (i.e., key input for accepting the call) [0053] but does not explicitly teach providing the caller the availability status of the user of the first mobile terminal.

Elias teaches incoming call treatment method comprising the method to provide the caller the availability status of the user of the called party as claimed (i.e., transmitting control message to play stored voice message in response to user key input: 0026-0028).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to further modify incoming call treatment service as claimed by providing the status information of the called party as taught by Elias's method. One of ordinary skill in the art at the time of invention of made would have been motivated to do this to provide enhanced call notification service.

4. Claims 24 & 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod et al. US (US 20040224678A1) in view of John (US6216106B1), further in view of Elias (US20050089149A1) and Tuomela et al. (US20020077086A1).

4.1 Regarding Claim 24 & 34, the modified method and system does not explicitly teach displaying status icon on the caller mobile device.

Tuomela teaches user enters context information and activates context-related answering service [0039] and also to have the context information to be displayed on recipient's mobile device [Displaying context information: 0053].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to further modify as claimed as taught by Tuomela for processing calls based on updated presence state and for displaying the updated state on other mobile terminals. One of ordinary skill in the art at the time of invention of made would have been motivated to do this to avoid unnecessary voice call to reserve communication resources.

5. Claims 26, 27, 36, 37, 28, 29, 38, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod et al. US (US 20040224678A1) in view of John (US6216106B1), further in view of Elias (US20050089149A1) and Moss et al. (US007010113B2).

5.1 Regarding Claims 26, 27, 36 & 37, modified method and system teaches as claimed in Claims 20 & 30 but does not explicitly teach aborting the call processing after

Art Unit: 2617

timeout although such feature is very well known to one of ordinary skill in the art and the feature is expected to be implemented in the call processing system.

Moss discloses call processing system wherein the communication is terminated after predetermined unanswered call period [414: Figure 4]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to modify as claimed with the teaching of Moss's system and method to efficiently process the calls and manage the communication resources.

5.2 Claims 28, 29, 38 & 39 are rejected for the same reason as stated above in claims 27 & 29 rejections. Modified method and system teaches as claimed in Claims 27 & 29 and also teaches retrieving voice message upon answering the call [see rejections stated above] and deleting message feature because Dahod discloses voice message processing method in which the call session is aborted and the voice message is deleted if the recipient does not answer the call [0044].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AUNG T. WIN whose telephone number is (571)272-7549. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aung T Win/
Examiner, Art Unit 2617

/Duc Nguyen/
Supervisory Patent Examiner, Art Unit 2617